

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1238**

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**Introduced by Assembly Member Plescia**

February 23, 2007

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An act to amend Section ~~25132~~ 25365 of the Government Code, relating to county ~~ordinances~~ *property*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1238, as amended, Plescia. ~~County ordinances: penalties for violation.~~ *County property: exchanges.*

*Existing law authorizes the board of supervisors of a county to exchange real property of equal value with any person, firm, or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use, as specified.*

*This bill would instead authorize the board of supervisors of a county to exchange real or personal property, as specified, provided that the value of any private real property exchanged is equal to, or greater than, 75% of the value of the county property offered in exchange, and would limit other personal property added to the balance of the transaction, as specified, to be no more than 25% of the value of the county property proposed for exchange. The bill would exempt property that is valued at \$50,000 or less from this requirement.*

~~Existing law provides that a violation of an ordinance is a misdemeanor, unless the ordinance makes it an infraction. A violation determined to be an infraction is punishable by a fine not exceeding \$100 for a first violation, by a fine not exceeding \$200 for a second~~

~~violation of the same ordinance, and by a fine not exceeding \$500 for each additional violation of the same ordinance within one year.~~

~~This bill would raise the maximum fines for subsequent offenses of the same ordinance by authorizing a fine not exceeding \$500 for a second violation and not exceeding \$1000 for each additional violation of the same ordinance within one year.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 25365 of the Government Code is  
2     amended to read:

3     25365. The board of supervisors may, by a four-fifths vote,  
4     grant, convey, quitclaim, assign, or otherwise transfer to the state  
5     or to any community redevelopment agency, housing authority,  
6     community development commission, surplus property authority,  
7     federal agency, city, school district, irrigation, flood control, county  
8     board of education, or other special district within the county or  
9     exchange with such public entities, any real or personal property,  
10    or interest therein belonging to the county upon ~~such~~ *these* terms  
11    and conditions as are agreed upon and without complying with  
12    any other provisions of this code, if the property or interest therein  
13    to be granted and conveyed or quitclaimed is not required for  
14    county use or in the event of an exchange, the property to be  
15    acquired is required for county use. The board of supervisors may  
16    also, by a four-fifths vote, exchange real property ~~of equal value~~  
17    with any person, firm or corporation, for the purpose of removing  
18    defects in the title to real property owned by the county, or where  
19    the real property to be exchanged is not required for county use  
20    and the property to be acquired is required for county use. *If the*  
21    *real properties to be exchanged are not of equal value, either party*  
22    *to the exchange may contribute cash or other real or personal*  
23    *assets, acceptable to the other party, to balance the transaction.*

24    *The value of any private real property exchanged shall be equal*  
25    *to, or greater than, 75 percent of the value of the county property*  
26    *offered in exchange. The cash or other real or personal assets to*  
27    *be added to balance the transaction shall not be greater than 25*  
28    *percent of the value of the county property proposed for exchange.*  
29    *However, any exchange of real property, where the value of each*

1 *parcel to the exchange is less than \$50,000, is exempt from this*  
2 *requirement, subject to approval by the county director of general*  
3 *services or another designated authority.*

4 Unless the body or agency to which the property is transferred  
5 pursuant to this section and the body or agency transferring the  
6 property are governed by the same county board of supervisors,  
7 the transferring board of supervisors shall publish a notice of its  
8 intended action pursuant to Section 6061 at least one week prior  
9 thereto in a newspaper of general circulation published in the  
10 county.

11 *Nothing in this section shall be interpreted to permit an exchange*  
12 *of real property where a surplus sale would otherwise be required.*

13 ~~SECTION 1. Section 25132 of the Government Code is~~  
14 ~~amended to read:~~

15 ~~25132. (a) Violation of a county ordinance is a misdemeanor,~~  
16 ~~unless an ordinance makes it an infraction. The violation of a~~  
17 ~~county ordinance may be prosecuted by county authorities in the~~  
18 ~~name of the people of the State of California, or redressed by civil~~  
19 ~~action.~~

20 ~~(b) Every violation determined to be an infraction is punishable~~  
21 ~~by (1) a fine not exceeding one hundred dollars (\$100) for a first~~  
22 ~~violation; (2) a fine not exceeding five hundred dollars (\$500) for~~  
23 ~~a second violation of the same ordinance within one year; or (3)~~  
24 ~~a fine not exceeding one thousand dollars (\$1,000) for each~~  
25 ~~additional violation of the same ordinance within one year.~~

26 ~~(c) Notwithstanding any other provision of law, a violation of~~  
27 ~~local building and safety codes determined to be an infraction is~~  
28 ~~punishable by (1) a fine not exceeding one hundred dollars (\$100)~~  
29 ~~for a first violation; (2) a fine not exceeding five hundred dollars~~  
30 ~~(\$500) for a second violation of the same ordinance within one~~  
31 ~~year; or (3) a fine not exceeding one thousand dollars (\$1,000) for~~  
32 ~~each additional violation of the same ordinance within one year~~  
33 ~~of the first violation.~~